

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7062

BILL NUMBER: HB 1306

NOTE PREPARED: Mar 23, 2007

BILL AMENDED: Mar 22, 2007

SUBJECT: Missing Persons.

FIRST AUTHOR: Rep. Cheatham

FIRST SPONSOR: Sen. M. Young

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires a law enforcement agency that receives a report of a missing person to take certain steps to locate the missing person and requires a coroner having custody of unidentified human remains to take certain steps to attempt to identify the remains.

Effective Date: July 1, 2007.

Explanation of State Expenditures: The bill could affect administrative expenses for the Indiana State Police (ISP). The specific impact will depend on the number of persons reported missing and how existing procedures align with the procedure outlined in the bill. It is assumed that the ISP could implement the provisions in the bill given its existing level of staff and resources.

If human remains have not been identified after 30 days, the coroner or other person having custody of the remains must request the ISP to enter information that may assist in the identification of the remains into the National Crime Information Center data base and any other appropriate data base. The ISP must ensure that a person who enters data relating to medical or dental records in a data base has the appropriate training to understand and correctly enter the information. This provision could increase administrative expenses for ISP. The impact will depend on how existing procedures align with the procedure outlined in the bill. It is assumed that the ISP could implement the provisions in the bill given its existing level of staff and resources.

For FY 2006, the ISP reverted \$2.5 M in state General Fund revenues.

Explanation of State Revenues: *Penalty Provision:* The bill specifies that if a person makes a false report of a missing person, knowing the report or information is false, the person commits a Class B misdemeanor.

The offense is a Class A misdemeanor if it substantially hinders any law enforcement process or results in harm to an innocent person. If additional court cases occur and fines are collected, revenue to both the Common School Fund (from fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class B misdemeanor is \$1,000. The maximum fine for a Class A misdemeanor is \$5,000. However, any additional revenue would likely be small.

Explanation of Local Expenditures: *Law Enforcement Agencies:* The bill could increase administrative expenses for law enforcement agencies. The specific impact will depend on the number of persons reported missing and how existing procedures align with the procedure outlined in the bill. It is assumed that local units could implement the provisions in the bill given their existing levels of staff and resources.

Coroners: A coroner may not dispose of unidentified human remains or take any other action that will materially affect the condition of the remains until the coroner has taken reasonable steps to identify the remains. If human remains have not been identified after 30 days, the coroner or other person having custody of the remains must request the ISP to enter information that may assist in the identification of the remains into the National Crime Information Center data base and any other appropriate data base.

If unidentified human remains are identified as belonging to a missing person, the coroner must notify the law enforcement agency handling the missing persons case that the missing person is deceased and instruct the law enforcement agency to make documented efforts to contact family members. No person may order the cremation of unidentified human remains. The bill could increase administrative expenses for coroners. The specific impact will depend on how existing procedures align with the procedure outlined in the bill. It is assumed that coroners could implement the provisions in the bill given existing levels of staff and resources. However, the impact will vary from agency to agency.

Penalty Provision: A Class B misdemeanor is punishable by up to 180 days in jail. A Class A misdemeanor is punishable by up to one year in jail.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, any change in revenue would likely be small.

State Agencies Affected: ISP.

Local Agencies Affected: Law enforcement agencies and coroners.

Information Sources:

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